



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
CITY VIEW PLAZA II, SUITE 7000
GUAYNABO, PUERTO RICO 00968-8069

061214

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Honorable Jesús Márquez Rodríguez
Mayor
Municipality of Luquillo
P.O. Box 1012
Luquillo, Puerto Rico 00773-1012

**Re: Transmittal of Compliance Evaluation Inspection Report
Municipality of Luquillo Small Municipal Separate Storm Sewer System
NPDES Permit Number PRR040066**

Dear Mayor Márquez:

This letter is in reference to the Compliance Evaluation Inspection (CEI) performed on September 10, 2013, by Ms. Yolianne Maclay, P.E., of the United States Environmental Protection Agency (EPA) at the Municipality of Luquillo Public Works Facility located at Road 991, Km. 3.3, Barrio Sabana, Puerto Rico. The purpose of the CEI was to evaluate the Municipality's compliance with the criteria of Pollution Prevention and Good Housekeeping Practices of the National Pollutant Discharge Elimination System (NPDES) Permit (PRR040066) for storm water discharges associated with Small Municipal Separate Storm Sewer Systems (MS4).

Enclosed is a copy of the NPDES Water Compliance Inspection Report ("the Report") which summarizes the findings of the CEI. Within 30 calendar days from receipt of this letter, the Municipality of Luquillo must acknowledge receipt of this letter and submit a compliance plan addressing the findings identified in the Report.

If you have any questions regarding the Report, please contact Ms. Yolianne Maclay, P.E., at (787) 977-5849 or through electronic mail at maclay.yolianne@epa.gov.

We urge your prompt attention to this matter.

Sincerely,

Ramón Torres,
Acting Chief
Multimedia Permits and Compliance Branch



United States Environmental Protection Agency
Washington, D.C. 20460
Water Compliance Inspection Report

Form Approved.
OMB No. 2040-0057
Approval expires 8-31-98

Section A: National Data System Coding (i.e., PCS)

Transaction Code	NPDES	yr/mo/day	Inspection Type	Inspector	Fac Type
1 N 2 5 3 PRR040066 11 12 2013/09/10 17 18 C 19 R 20 2					
Remarks					
21 66					
Inspection Work Days	Facility Self-Monitoring Evaluation Rating	B1	QA	Reserved	
67 1 69 0 70 n a 71 72 73 74 75 80					

Section B: Facility Data

Name and Location of Facility Inspected (for industrial users discharging to POTW, also include POTW name and NPDES permit number)	Entry Time/Date	Permit Effective Date
Municipality of Luquillo Public Works Facility Carr. 991, Km. 3.3, Barrio Sabana, Puerto Rico	8:30 am 09/10/2013	November 6, 2006
	Exit Time/Date	Permit Expiration Date
	11:00 am 09/10/2013	November 6, 2011
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s)	Other Facility Data	
Mrs. Rosa Rodríguez, Administrative Assistant Telephone Numbers: (787) 889-3131 or (787) 889-4611	NPDES Storm Water Municipal Separate Storm Sewer Systems General Permit (MS4) PRR040000	
Name, Address of Responsible Official/Title/Phone and Fax Number(s)		
Honorable Jesús Márquez Rodríguez Mayor Municipality of Luquillo P.O. Box 1012 Luquillo, Puerto Rico 00773-1012		

Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

<input checked="" type="checkbox"/> Permit	<input type="checkbox"/> Flow Measurement	<input checked="" type="checkbox"/> Operations & Maintenance	<input type="checkbox"/> CSO/SSO (Sewer Overflow)
<input checked="" type="checkbox"/> Records/Reports	<input type="checkbox"/> Self-Monitoring Program	<input type="checkbox"/> Sludge Handling/Disposal	<input checked="" type="checkbox"/> Pollution Prevention
<input checked="" type="checkbox"/> Facility Site Review	<input type="checkbox"/> Compliance Schedules	<input type="checkbox"/> Pretreatment	<input type="checkbox"/> Multimedia
<input type="checkbox"/> Effluent/Receiving Water	<input type="checkbox"/> Laboratory	<input checked="" type="checkbox"/> Storm Water	<input type="checkbox"/> Other:

Section D: Summary of Findings/Comments (Attach additional sheets of narrative and checklists as necessary)

See attached report for findings.

Name(s) and Signature(s) of Inspector(s)	Agency/Office/Phone and Fax Numbers	Date
Yolianne Maclay, P.E., Environmental Engineer 	EPA/CEPD/MPCB (787) 977-5849	5/28/14
Signature of Management Q A Reviewer	Agency/Office/Phone and Fax Numbers	Date
 Ramón Torres, MPCB Acting Chief	EPA/CEPD/MPCB (787) 977-5807	6/2/14

Compliance Evaluation Inspection

Water Compliance Evaluation Inspection Report Form (EPA Form 3560-3) Summary of Findings

Facility Name: Luquillo Public Works Facility
NPDES Permit Number: PRR040066
Inspection Date: September 10, 2013

I. Background

A Compliance Evaluation Inspection (CEI) was conducted on September 10, 2013, at the Municipality of Luquillo Public Works Facility. The purpose of the CEI was to evaluate the Municipality of Luquillo Public Works Facility's compliance with the National Pollutant Discharge Elimination System ("NPDES") General Permit ("Permit") for Discharges from Small Municipal Separate Storm Sewer Systems (MS4)(33 U.S.C). The CEI consisted of an entry meeting to discuss the purpose of the inspection; a site tour to evaluate operational and maintenance conditions at the Public Works Facility; a document review to assess records compliance; and a closing meeting to discuss preliminary findings.

This Supplement to the Water Compliance Inspection Report Form is prepared to include all findings and comments concerning CEI conducted by the environmental engineer and enforcement officer, Yolianne Maclay, of the United States Environmental Protection Agency (EPA), Region 2.

The inspection was focused on one of the six Minimum Control Measures (MCMs) named Pollution Prevention/Good Housekeeping for Municipal Operations, as described in Part 4.2.6 of the MS4 General Permit.

II. General Information

1. Date of Site Inspection - September 10, 2013
2. Site: Municipality of Luquillo Public Works Facility
3. Address – Carr. 991, Km. 3.3, Barrio Sabana, Puerto Rico
4. Coordinates
 - Latitude: 18°21'5.09"N
 - Longitude: 65°43'46.27"W
5. Time of Inspection - Inspection began approximately at 8:30 a.m. and ended at 11:00 a.m. approximately.

6. Weather - Dry weather
7. EPA's Representatives: Mrs. Yolianne Maclay, Enforcement Officer
8. Municipality of Luquillo Representative:
 - Mrs. Rosa Rodríguez, Administrative Assistant
Telephone Numbers: (787) 889-3131 or (787) 889-4611

III. With Respect To The MS4 General Permit

1. On November 6, 2006, EPA issued and published in the Federal Register (71 Fed. Reg. 64,952), the MS4 General Permit for storm water discharges that are associated with municipal separate storm sewer systems within urbanized areas. The MS4 General Permit became effective on November 6, 2006, and expired on November 6, 2011.
2. The Small MS4 Permit was administratively extended, and its terms and conditions remain fully effective and enforceable, pursuant to 5 U.S.C. § 558(c) and 40 C.F.R. § 122.6.
3. The Small MS4 General Permit established NOI requirements for those municipalities seeking coverage under the Small MS4 General Permit, established application deadlines, and required the development and implementation of Municipal Storm Water Management Program (SWMP).
4. Part 4 of the MS4 General Permit established that the permittee must develop, implement, and enforce a SWMP designed to reduce the discharge of pollutants from the small MS4 to the Maximum Extent Practicable (MEP), to protect water quality, and to satisfy the appropriate water quality requirements of the Clean Water Act (CWA).
5. The Municipality of Luquillo submitted the NOI on December 3, 2009 and the SWMP hasn't been received at EPA.
6. On June 3, 2013, an Administrative Compliance Order (ACO) (CWA-02-2013-2113) was issued for failure to submit the SWMP.
7. The ACO requested to develop and submit to EPA a SWMP within 90 calendar days of receipt of the ACO.
8. The due date to submit the SWMP was September 2, 2013, and up to this date the document hasn't been received.

9. Part 5.3 of the MS4 General Permit established that the permittee must submit an annual report to EPA by November 6th of each year of the permit term. EPA has not received Annual Reports from the Municipality.
10. The SWMP must include six Minimum Control Measure (MCMs), described on Part 4.2 of the MS4 General Permit; however, the inspection focused on Pollution Prevention/Good Housekeeping for Municipal Operations.
11. Part 4.2.6.1.1 of the Permit required the Municipality of Luquillo to develop and implement an operation and maintenance program that includes a training component which has an ultimate goal of preventing or reducing pollutant runoff from municipal operations.

IV. Public Works Walkthrough and Findings

The Luquillo Public Works Facility, owned and operated by the Municipality of Luquillo, is used for various Public Works activities associated with the Luquillo MS4, including the following: (1) vehicle and equipment storage, (2) vehicle washing area (3) material storage, and (4) vehicle maintenance. According to Mrs. Rosa Rodríguez most of vehicle maintenance operations are conducted by private companies, for example: oil and filter change, tire replacement, batteries replacement, etc.

On September 10, 2013, the EPA Enforcement Officer conducted a CEI at the municipally owned Public Works Facility. The purpose of the site visit was to document site conditions and assess the Municipality's oversight activities for municipal operations and maintenance. A summary of the observations pertaining to the site visit to the Public Works Facility are presented below. All referenced photographs are contained in Attachment I, Photograph Log.

1. The stormwater runoff from the Workshop and its soundings flows through the ground surface down gradient towards the concrete road that connects to State Road #991. The stormwater runoff from the open dump site flows through the ground surface down gradient towards the concrete road that borders the facility at the south side. Refer to the map on Attachment II for a view of the drainage system.
2. Various vehicles and equipment to be decommissioned were placed around the mechanical workshop. The vehicles and equipment to be decommissioned were exposed to storm water contact and several oil stains were observed. The pollution prevention practices typically employed at auto parts facilities had not been implemented. For example, multiple vehicles were not stored with the hood down (i.e., overhead coverage for engines and fluid residues), and other vehicles and metal parts had not been lifted off the ground (see pictures 4 and 5).
3. A sand stockpile was observed at the south side of the facility without erosion controls implemented (see Attachment I, picture 6).

4. The diesel tanks dike was filled with water, sediments, and debris (see picture 7).
5. The vehicle washing area was located outdoors, on an impervious surface. No Best Management Practices (BMPs) have been implemented at the area (see picture 11). Municipal vehicle washing can generate dry weather runoff contaminated with detergents, oils, grease, and heavy metals. Vehicle washing BMPs can eliminate contaminated wash water discharges to the sanitary system. Such BMPs include installing wash racks that discharge wash water to a sanitary system, and contracting the services of commercial car washes, which are permitted to discharge wash water to the sanitary sewer system. Finally, employees and subcontractors should be trained in the municipality's vehicle washing procedures to avoid illicit discharges.
6. An open dump site was observed at the north and west sides of the Public Works Facility. According to Mrs. Rosa Rodríguez, the Municipality has been accumulating waste for approximately 25 years. The waste piles covered an area of approximately one acre and a half. The waste observed included households yard waste, wood pieces, scrap tires, auto parts, furniture, electric appliances, construction and demolition debris, and household trash, among others. No BMPs have been implemented and leakage was observed at the bottom of the piles. The waste piles located closer to the cemetery and the road were covered by vegetation. Mrs. Rodríguez explained that the area had been cleaned twice since the operation started and the last cleaning took place approximately 8 years ago (see pictures 12, 13, and 14).

The EPA inspector inquired about the Industrial stormwater permitting for the dump site and whether the Municipality obtained any NPDES Permit for the discharge of stormwater coming from the dump site area. Mrs. Rodríguez indicated that the site does not have a permit to discharge stormwater runoff. Mrs. Rodríguez also indicated that the dump site is primarily composed of households waste

The EPA inspector reviewed the NPDES stormwater permit application regulation codified at 40 C.F.R. §122.26(b)(v), which regulates landfills, land application sites, and open dumps that receives or have received any industrial wastes including those that are subject regulation on the subtitle D of the Resource Conservation and Recovery Act.

Based on the waste observed at the dumpsite during the course of the inspection and Mrs. Rodríguez's interview, the EPA inspector preliminary interprets that the dumpsite is not regulated under 40 C.F.R. §122.26(b)(v). However, additional information is necessary to make a categorical determination of the applicability the NPDES stormwater permit application regulation to the dump site (e.g., the Municipality has accepted industrial waste or construction debris).

Regardless of the permitting status of the dumpsite the EPA inspector did not observed Best Management Practices (except waste piles covered by mature vegetation) to reduce, minimize, or eliminate the discharges of polluted stormwater runoff coming from the dump site area.

7. Yard waste piles were observed beside the employee parking area. According to Mrs. Rodríguez, the Municipality has a yard waste pick-up program and the materials collected were used to produce mulch. The grounding machine broke 4 months ago and the materials have been stored at this area (see pictures 15 and 16).

V. Document Review and Findings

8. The Municipality of Luquillo has not develop nor implemented a SWMP as required by Part 4 of the MS4 General Permit.
9. The Municipality of Luquillo has not submitted the annual reports as required by Part 5.3 of the MS4 General Permit.
10. The EPA Enforcement Officer, Yolianne Maclay, formally requested during the CEI an operation and maintenance program that has the ultimate goal of preventing or reducing pollutant runoff from municipal operations. Mrs. Rodríguez explained that they don't have an operation and maintenance program for the Public Works Facility or for municipal operations.
11. According to Mrs. Rodríguez, the Municipality has not developed nor implemented a training program as required on Part 4.2.6.1.2 of the MS4 General Permit. The Municipality must develop an employee training program to prevent and reduce storm water pollution from activities such as parks and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance.
12. According to Mrs. Rodríguez, the Municipality has not developed inspection procedures for controls to reduce floatables and other pollutants to the MS4, as required on Part 4.2.6.2.3.1 of the MS4 General Permit.
13. The Municipality has not established a formal procedure to reduce or eliminate the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage yards, waste transfer stations, or maintenance shops as required by Part 4.2.6.2.3.2 of the MS4 General Permit. However, the Municipality conducts certain activities that prevent the discharge of pollutants to the MS4, for example:
 - a recycling program
 - storm water sewer system cleaning program
 - yard waste removal program
 - sweepers cleaning the town center area

14. The Municipality has not established procedures for the proper disposal of waste removed from the MS4 and their municipal operations, as required on Part 4.2.6.2.3.3 of the MS4 General Permit.

VI. Closing Meeting

The CEI ended with an exit meeting with Mrs. Rosa Rodríguez the Administrative Assistant that participated in the CEI. EPA Inspector notified Mrs. Rodríguez of the preliminary findings of the CEI, including the lack of stormwater pollution prevention controls on the following areas: the vehicles and equipment storage area, the sand stockpiles area, the vehicle washing area waste. EPA inspector informed of the poor housekeeping practices observed throughout the facility, for example the waste observed at the diesel storage tank dike. EPA inspector emphasize on the open dump site stormwater violations were the Municipality has disposed domestic waste for 25 years. In addition, we discussed on general terms the Permit requirements, the development of standard procedures, and the importance of documenting their activities, among other things.

VII. Conclusion

EPA is requesting that within 30 calendar days of receipt of this Compliance Evaluation Inspection Report ("the Report"), the Municipality reports the actions completed to correct the above noted findings and submit a compliance plan in order to address the findings identified in sections IV and V that continue to be pending. The Compliance Plan must include the strategy and timeline to address such findings. Also, the Municipality must submit the pending Annual Reports and the SWMP.

End of Report

Prepared by: Yolianne Maclay
Yolianne Maclay, P.E.
Environmental Engineer
U.S. Environmental Protection Agency, Region 2

5/28/14
Date

Attachment I Photo Documentation
Attachment II Maps

Attachment 1
Photo Documentation

Attachment 2

Maps



Picture 1

View of the workshop. The stormwater runoff in this area flows from the workshop area towards the entrance of the facility.



Picture 2

The stormwater runoff flows through the ground surface to the concrete road that connects to State Road #991.



Picture 3

Electric appliances collection area. The equipment was placed on the ground surface and exposed to stormwater.



Picture 4

View of vehicles to be decommissioned, placed on the ground surface and exposing their mechanical parts to stormwater.



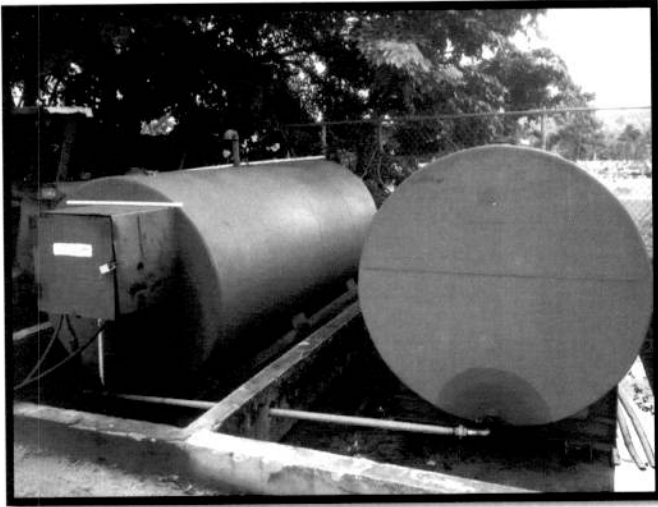
Picture 5

View of vehicles to be decommissioned placed on the ground surface and exposing their mechanical parts to stormwater.



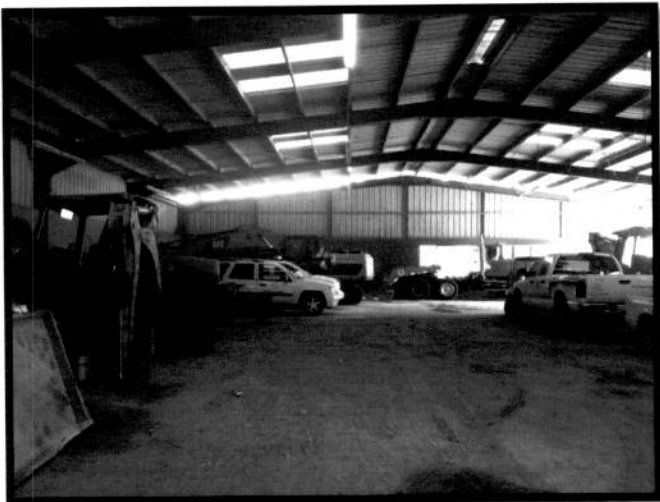
Picture 6

View of sand stockpile without erosion controls.



Picture 7

Diesel tanks dike were filled with stormwater, sediments, and debris.



Picture 8

View of the mechanical workshop from the inside.



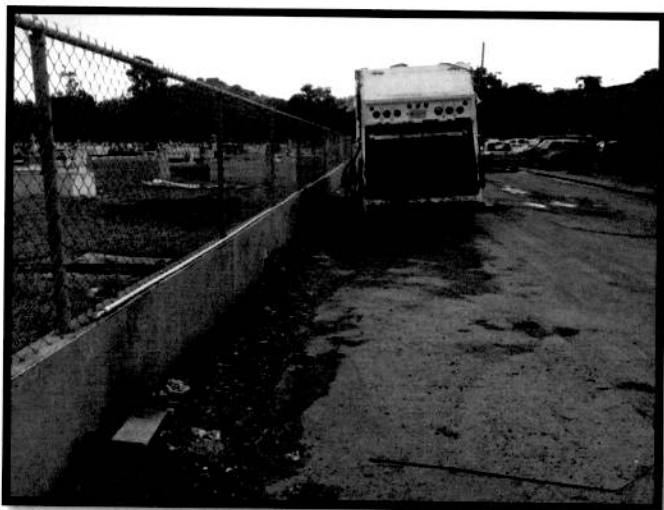
Picture 9

View of an oil stain at the workshop floor, close to an orifice in the wall, which can allow the spill to reach the ground surface outside the building.



Picture 10

View of used oil 5-gallon bucket without a lid at the workshop.



Picture 11

View of the vehicle washing area, located on an impermeable surface.



Picture 12

View of the open dump site located at the north and west sides of the property.



Picture 13

Closer view of the open dump site. The waste observed included households yard waste, wood pieces, scrap tires, auto parts, furniture, electric appliances, construction and demolition debris, and household trash,



Picture 14

View of the waste reaching the concrete road. The stormwater from the open dump site flows into the concrete road that borders the south side of the facility.



Picture 15

View of waste on the ground surface. This picture showed paint container, plastic bottles, plastic bags, and wood pieces. The arrow indicates a dark color liquid that looks like leachate.



Picture 16

View of the employee parking area, yard waste was observed at the south side.



Picture 17

View of the yard waste accumulated at the east side of the property besides the office building and the employee parking area.

Sabana River

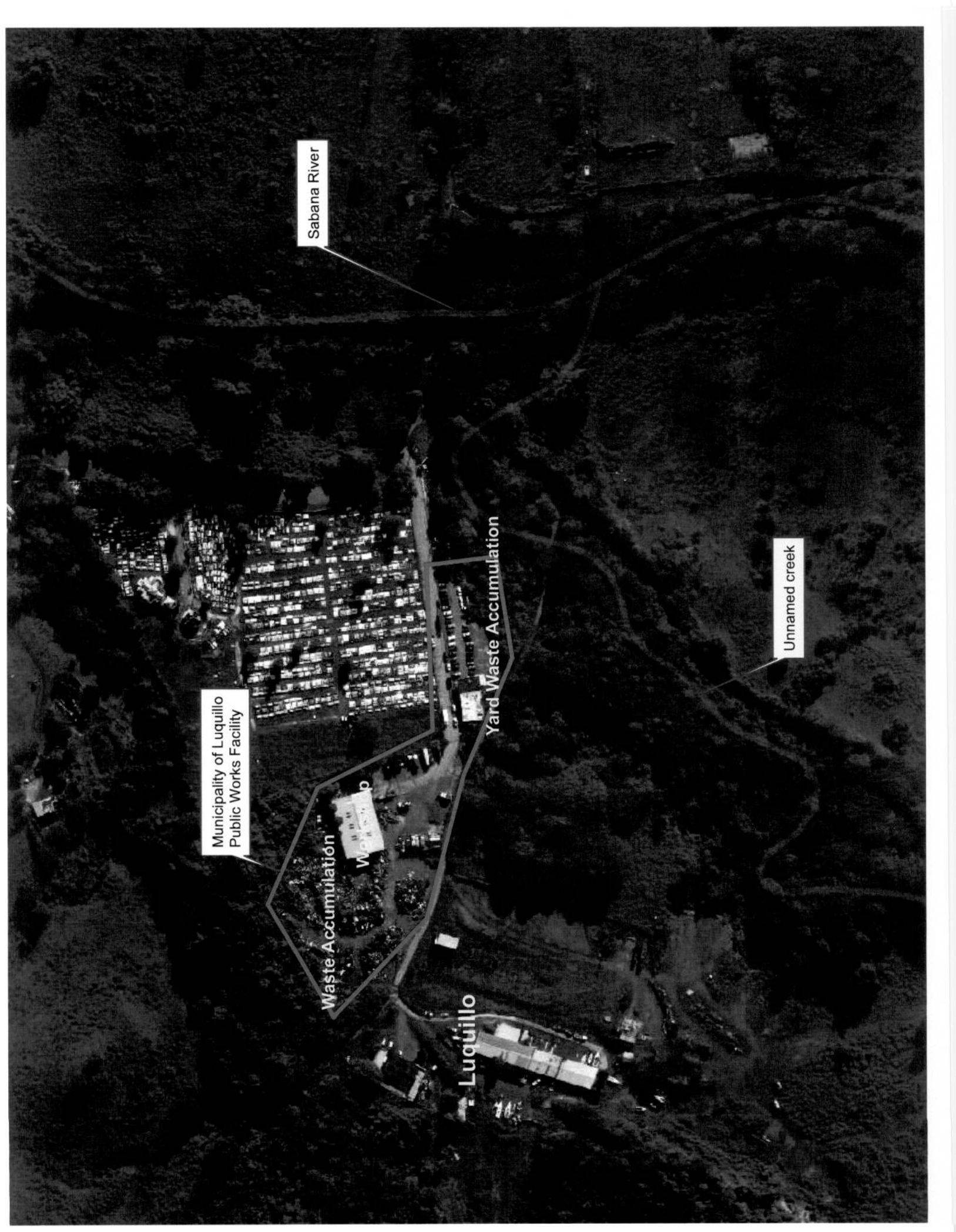
Municipality of Luquillo
Public Works Facility

Waste Accumulation

Yard Waste Accumulation

Unnamed creek

Luquillo



Municipality of Luquillo
Public Works Facility Top View

